IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Gerald W. WINSOR	§	Confirmation No.:	7228
Serial No.:	10/763,506	§	Group Art Unit:	2444
Filed:	01/23/2004	§	Examiner:	Joiya M. Cloud
For:	User Profile Service	§	Docket No.:	200314649-1

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: February 27, 2010

Sir:

Appellant hereby submits this Appeal Brief in connection with the above-identified application. A Notice of Appeal was electronically filed on January 8, 2010.

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I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, L.P. (HPDC), a Texas Limited Partnership, having its principal place of business in Houston, Texas. HPDC is a wholly owned affiliate of Hewlett-Packard Company (HPC). The Assignment to HPDC was recorded on January 23, 2004, at Reel/Frame 014930/0634.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals or interferences.

III. STATUS OF THE CLAIMS

Originally filed claims:	1-42.
Claim cancellations:	None.
Added claims:	None.
Presently pending claims:	1-42.
Presently appealed claims:	1-42.

IV. STATUS OF THE AMENDMENTS

No claims were amended after the Final Office Action dated October 8, 2009.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

This section provides a concise explanation of the subject matter defined in each of the independent claims, referring to the specification by page and line number or to the drawings by reference characters as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified with a corresponding reference to the specification or drawings where applicable. The specification references are made to the application as filed by Appellant. Note that the citation to passages in the specification or drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element. Also note that these specific references are not exclusive; there may be additional support for the subject matter elsewhere in the specification and drawings.

In a data services delivery environment, there are different top to bottom, or "stove-pipe," type software applications and connection channels.[1] These individual applications and channels each contain their own user profile database.[2] That is, across different network types different subscriber or user profile data is stored.[3] As such, individual user, or subscriber, profile data is often spread across many different network environments and locations which may or may not be accessible by different network applications.[4] For example, a wireless local area network can include a database which can perform an authentication, authorization, accounting function within an internet protocol (IP) network for a mobile device.[5] Similarly, in a wireless telecommunications system, visiting location registers (VLRs), home location registers (HLRs), service control points (SCPs), and authentication centers, are examples of databases which can store subscriber identity, location, and other user profile

[1] P. 5, lines 18-19.

[2] P. 5, lines 19-21.

[3] P. 5, lines 21-22.

[4] P. 5, lines 22-24.

[5] P. 4, lines 14-24.

information.[6] Appellant has devised a user profile service (UPS) database and management system accessible across different network types, including mobile and wireless data networks, by different network applications.[7]

The invention of claim 1 is directed to a service delivery platform. The service delivery platform includes a gateway 350, a mobile portal 352, a mobile server 356, and an application server 360.[8] The gateway 350 has connectivity to a communication network 321.[9] The mobile portal 352 has connectivity to the gateway 350.[10] The mobile server 356 is accessible by the mobile portal 352.[11] The application server 360 includes a processor, and has a web services interface connecting the mobile portal 352 to the mobile server 356.[12] The web services interface includes access to the mobile portal 352 and to an associated database structure 362 in memory.[13] The database 362 contains user profile data.[14] The web services interface can register user profile data for services with the mobile server 356.[15]

The invention of claim 24 is directed to a mobile service delivery platform. The mobile service delivery platform includes a gateway 350, a mobile portal 352, a mobile server 356, and an application server 360.[16] The gateway 350 has connectivity to a communication network 321.[17] The mobile portal 352 has

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[6] P. 3, lines 29-32.

[7] P. 6, lines 12-16.

[8] Fig. 3, p. 8, lines 10-13.

[9] Fig. 3; p. 7, lines 27-28.

[10] Fig. 3; p. 7, lines 32-33.

[11] Fig. 3; p. 8, lines 10-11.

[12] Fig. 3; p. 8, lines 11-13.

[13] Fig. 3, p. 8, lines 11-14.

[14] P. 8, lines 14-15.

[15] P. 8, lines 32-33; p.9, lines 6-9.

[16] Fig. 3, p. 8, lines 10-13.

[17] Fig. 3; p. 7, lines 27-28.

connectivity to the gateway 350.[18] The mobile server 356 is accessible by the mobile portal 352.[19] The application server 360 includes a processor, and has a web services interface to connect the mobile portal 352 to the mobile server 356.[20] The application server 360 includes a set of business rules associated with accessing an associated database structure 362 in memory.[21] The database 362 contains a compilation of user profile data from multiple network sources.[22] The business rules include executable instructions to make the user profile data accessible across multiple network applications.[23]

The invention of claim 25 is directed to a method for user profile data. The method includes providing business rules to an application server.[24] The business rules are associated with accessing user profile data to make a user profile service database accessible across multiple network applications.[25] The business rules are applied in response to a request.[26] The user profile service database is accessed when the request has been authorized by the applied business rules.[27]

The invention of claim 32 is directed to a method for user profile service. The method includes collecting, by a processor, a given user's user profile data from multiple network sources in a localized database.[28] Business rules are provided to an application server to manage access to the given user's

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[18] Fig. 3; p. 7, lines 32-33.

[19] Fig. 3; p. 8, lines 10-11.

[20] Fig. 3; p. 8, lines 11-13.

[21] P. 9, lines 7-11.

[22] P. 8, lines 14-15; p. 6, lines 17-18.

[23] P. 9, lines 30-33.

[24] Fig. 7 710; p. 17, lines 24-25.

[25] Fig. 7 710; p. 17, lines 26-28.

[26] Fig. 7 720; p. 17, lines 28-29.

[27] Fig. 7 730; p. 17, lines 30-32.

[28] Fig. 8 810; p. 18, lines 21-22.

collected user profile data in the database.[29] Different network service applications are allowed to access the given user's collected user profile data as determined by the business rules.[30]

The invention of claim 33 is directed to a computer readable medium having instructions for causing a device to perform a method. The instructions cause the device to collect a given user's user profile data from multiple network sources in a localized database.[31] The instructions also cause the device to provide business rules to an application server to manage access to the given user's collected user profile data in the database.[32] The instructions further cause the device to allow different network service applications to access the given user's collected user profile data as determined by the business rules.[33]

The invention of claim 34 is directed to a mobile services delivery platform. The mobile services delivery platform includes an application server 360 having a web services interface and accessible by a mobile network.[34] The platform also includes means for storage and access of user profile data on a user profile service database via the web service interface.[35] The platform further includes means for enabling applications and/or component parts of applications to access profile elements in the user profile data and be distributed over the mobile network in connection with the web service interface.[36]

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[29] Fig. 8 820; p. 18, lines 23-24.

[30] Fig. 8 830; p. 18, lines 25-26.

[31] Fig. 8 810; p. 18, lines 21-22.

[32] Fig. 8 820; p. 18, lines 23-24.

[33] Fig. 8 830; p. 18, lines 25-26.

[34] Fig. 3; p. 8, lines 12-13.

[35] Fig. 3; (application server and program application); p. 8, lines 26-33; Fig. 5, p. 11, lines 12-22.

[36] Fig. 5; (application server and program application); p. 11, lines 12-25.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-42 are anticipated by Bansal et al. (U.S. Pat. Pub. No. 2003/0120593, hereinafter "*Bansal*") under 35 U.S.C. § 102(e).

VII. ARGUMENT

A. Rejection of Claims 1-42 under 35 U.S.C. § 102(e) as Anticipated by *Bansal*

1. Claim 1

Independent claim 1 requires "a mobile server accessible by the mobile portal." With regard to the mobile portal, the Examiner cited *Bansal* Fig. 1 and ¶¶ [0163]-[0164]. With regard to the mobile server, the Examiner cited *Bansal* Fig. 1. *Bansal* is directed to a system for facilitating handling of credit card transactions.[37]

Bansal Fig. 1 shows a block diagram of a logical architecture of an embodiment of a system 10 in accordance with the invention of *Bansal*.[38] The presentation framework 12 includes a portal and a web server. The function of the portal is described at *Bansal* ¶¶ [0163]-[0165]. *Bansal* defines a portal as "a personalized secure web environment."[39] Based on the citation of Fig. 1, Appellant infers that the Examiner is suggesting the *Bansal* web server is equivalent to the required mobile server. Notably *Bansal* ¶¶ [0163]-[0165] fail to mention the web server, any connection between the web server and the portal, or that the web server is accessible by the portal. Appellant is unable to identify any portion of *Bansal* disclosing that the web server is accessible by the portal. "For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. . . . These elements must be arranged as in the claim under review."[40]

The Examiner, apparently in the alternative, "has interpreted the mobile server as the origin server of Fig. 5," and cited *Bansal* ¶¶ [0083], [0254], [0465], and [0482], as locations showing "the origin server is accessed via the portals."[41] *Bansal* Fig. 5 shows a block diagram of an exemplary wireless architecture,

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[37] *Bansal*, ¶ [0004].

[38] *Bansal*, ¶ [140].

[39] *Bansal*, ¶ [163].

[40] *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990).

[41] *Final Office Action*, p. 2.

wherein a wireless device accesses the origin server through a wireless application protocol ("WAP") gateway.[42] *Bansal* ¶¶ [0184]-[0188] describe Fig. 5 concentrating on the interpretive operations of the WAP gateway, and fail to teach that the WAP gateway serves as a portal as defined in *Bansal*.[43] *Bansal* ¶ [0083] recites "Enterprise Application Integration (EAI)" and nothing more. *Bansal* ¶ [0254] teaches that the "system is able to integrate with a corporate directory or registration system to allow ease of administration . . . ." *Bansal* ¶ [0465] teaches a "distinction between personalization and customization" and that "[p]ortals extend the users' customization capabilities" by allowing selection of information visible when the portal is started. *Bansal* ¶ [0482] teaches that the "authentication, authorization, and single sign-on service [(an application server function) provides] . . . security to prevent unauthenticated user or unauthorized request from getting access to the protected resources." Appellant respectfully submits that as shown above, none of the cited portions of *Bansal*, or any portion identifiable by Appellant, teaches "a mobile server accessible by the mobile portal" as required by claim 1.

Claim 1 also requires "an application server . . . having a web services interface connecting the mobile portal to the mobile server." The Examiner cited *Bansal* Fig. 1 and ¶¶ [0045], [0060], and [0569]-[0570] as allegedly teaching these limitations. *Bansal* Fig. 1 shows an application server 16, as described in ¶¶ [0045]-[0046]. *Bansal* ¶ [0060] teaches "personalization." Personalization is application server 16 functionality that "provides system applications with the ability to tailor their interactions with end users."[44] *Bansal* ¶¶ [[0569]-[0570] teach data warehouses and data marts as information repositories. Thus, while *Bansal* teaches an application server 12, none of the portions of *Bansal* cited by the Examiner, or any other portion identified by Appellant, teach that the

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[42] *Bansal* ¶ [0184].

[43] *See Bansal*, [0163].

[44] *Bansal*, ¶¶ [0046], [0060].

application server 12 connects the mobile portal to the mobile server as required by claim 1.

Claim 1 further requires the "web services interface [of the application server] includes access to the mobile portal." The Examiner cited *Bansal* ¶¶ [0060], and [0569]-[0570] as allegedly teaching these limitations. These portions of *Bansal* are explained above as teaching personalization and information repositories. Neither these nor any other portions of Bansal teach that the application server 12 includes access to the portal.

Claim 1 yet further requires "the web services interface [of the application server] can register user profile data for services with the mobile server." The Examiner cited *Bansal* ¶¶ [0342] and [0351] as allegedly teaching these limitations. *Bansal* ¶ [0342] teaches registration data routed through one or more workflows and stored in a directory service where it is accessible to all security services and applications. *Bansal* ¶ [0351] teaches that the "registration service is able to collect [various] user information, and update the appropriate repository for subsequent use by the application." Storing registration data and use of registration data by applications does not constitute a teaching that the application server can register user profile data with the mobile server. *Bansal* teaches that registration data is stored in a directory service,[45] but fails to teach registering profile data with the mobile server.

"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. . . . These elements must be arranged as in the claim under review."[46] Appellant respectfully submits that as shown above, *Bansal* fails to identically show every element of the claim 1 arranged as required. Therefore, Appellant respectfully submits that the Examiner erred in rejecting independent claim 1 and claims 2-23 depending therefrom.

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[45] *Bansal*, ¶ [0342].

[46] *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990).

2. Claim 2

Claim 2 requires "the web services interface [of the application server] is discoverable and invokeable as a stand-alone web service." The Examiner cited *Bansal* ¶ [0152] as allegedly teaching these limitations. *Bansal* ¶ [0152] teaches that the web server supports CGI capabilities and plug-ins. Thus, ¶ [0152] relates to web server capabilities rather than to any function of the application server. More particularly, *Bansal* ¶ [0152] fails to teach that a web services interface of the application server is discoverable and invokeable as a stand-alone web service. Appellant is unable to identify such teaching elsewhere in *Bansal*. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 2.

3. Claim 4

Claim 4 requires "the application server having the web service interface uses a web services descriptor language (WSDL) document to register user profile data with the mobile server." The Examiner cited *Bansal* ¶ [0460] as allegedly teaching these limitations. *Bansal* ¶ [0460] teaches that application integration runtime support supports web services including support for SOAP, WDSL, and UDDI. Thus, *Bansal* teaches support for WSDL, but fails to teach using a WSDL document to register user profile data with the mobile server as required by claim 4. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claims 4-5.

4. Claim 5

Claim 5 requires "the WSDL document is automatically generated from a Java Integrated Development Environment (IDE)." The Examiner cited *Bansal* ¶¶ [0438] and [0460] as allegedly teaching these limitations. *Bansal* ¶ [0460] is explained above. *Bansal* ¶ [0438] teaches that the application runtime component defines the Java Runtime Environment for Java and Java 2 Enterprise Edition applications. Paragraph [0438] fails to mention a Java IDE or that "the WSDL document is automatically generated" from a Java IDE. Inclusion of a Java Runtime Environment and WDSL does not comprise

teaching the automatic generation of claim 5. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 5.

5. Claim 7

Claim 7 requires "the application server having the web services interface includes program instruction which can execute to access the mobile server using simple object access protocol (SOAP)." The Examiner cited *Bansal* ¶ [0460] as allegedly teaching these limitations. *Bansal* ¶ [0460] is explained above with regard to claim 4. Thus, *Bansal* teaches support for SOAP, but fails to teach the application server accessing the mobile server using SOAP as required by claim 7. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 7.

6. Claim 8

Claim 8 requires "the application server having the web services interface includes program instruction which can execute to access the mobile server using Java Messaging Service (JMS)." The Examiner cited *Bansal* ¶ [0459] as allegedly teaching these limitations. *Bansal* ¶ [0459] teaches application integration runtime support supports message and transaction based integrations including JMS. Thus, *Bansal* teaches support for JMS, but fails to teach the application server accessing the mobile server using JMS as required by claim 8. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 8.

7. Claim 9

Claim 9 requires "the application server having the web services interface includes program instruction which can execute to access the mobile server using a messaging middleware application." The Examiner cited *Bansal* ¶ [0086] as allegedly teaching these limitations. *Bansal* ¶ [0086] teaches messaging middleware may be supported in legacy gateways as a communication method. Thus, *Bansal* teaches support for messaging middleware in a gateway, but fails to teach an application server using messaging middleware to access the mobile server as required by claim 9. For

at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 9.

8. Claim 10

Claim 10 requires "the application server having the web services interface includes program instruction which can execute to access the mobile server within a common object request broker architecture (CORBA)." The Examiner cited *Bansal* ¶ [0458] as allegedly teaching these limitations. *Bansal* ¶ [0458] teaches that application integration runtime support supports integration with other connection protocols including CORBA. Thus, *Bansal* teaches support for CORBA, but fails to teach an application server using CORBA to access the mobile server as required by claim 10. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 10.

9. Claim 11

Claim 11 requires "the application server having the web services interface includes a middle tier cache to hold retrieved data from the associated database structure." The Examiner cited *Bansal* ¶¶ [0595], [0992], and [0998] as allegedly teaching these limitations. *Bansal* ¶ [0595] teaches the desktop versions of DOLAP include a mid-tier server. *Bansal* ¶ [0992] teaches that the "Service provider can deliver cached content from locations distributed outside of the system environment." *Bansal* ¶ [0998] teaches load-balancing. A mid-tier server is a server, but does not necessarily require that the server include a mid-tier cache of database data. Caching content from locations outside of the system would preclude contents of the database, which is part of the system, and there is no teaching that such content cache is part of an application server. Load-balancing is not related to the required middle tier cache of an application server. Appellant is unable to identify the limitations of claim 11 at these or any other location in *Bansal.* For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 11.

10. Claim 12

Claim 12 requires "the application server having the web services interface further includes program instructions to provide session management and to clear the middle tier cache." The Examiner cited *Bansal* ¶¶ [0731], [0357]-[0359], and [0372] as allegedly teaching these limitations. *Bansal* ¶ [0731] teaches that the enterprise application integration subsystem 22 has a messaging framework that supports the ability to define basic transactions for point-to-point communications. *Bansal* ¶¶ [0357]-[0359] and [0372] are explained below with regard to independent claim 25. None of the cited locations of *Bansal* teaches the application server 16 clearing a middle tier cache as required by 12. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 12.

11. Claim 15

Claim 15 requires "the instructions to log include instructions to: log updates to the associated database structure; log who performed updates; log when updates were performed; log what updates were implemented; log who made requests into the platform; log when requests were made; and log what information was requested." The Examiner cited *Bansal* Fig. 28 and ¶¶ [0099]-[0100], and [0847] as allegedly teaching these limitations. Fig. 28 shows a block diagram of a logging service.[47] Paragraphs [0099]-[0100] describe creation of an audit trail. Paragraphs [0846]-[0868] describe a logging service by reference to Fig. 28. The logging service and audit trail descriptions of *Bansal* fail to teach that any particular data is logged. The explanation of Fig. 8 at ¶¶ [0858]-[0868] refers to logging messages, but no particular data or message content is taught. The audit trail description of ¶¶ [0099]-[0100] refers to logs containing transaction data, but the make-up of the transaction data is not defined. Thus, *Bansal* fails to teach instructions to log the information required by claim 15. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 15.

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[47] *Bansal*, ¶ [0137].

12. Claim 17

Claim 17 requires "the mobile server includes a universal business registry of web services." The Examiner asserted that *Bansal* teaches these limitations, but declined to cite any portion of *Bansal* as so teaching.[48] Appellant pointed out the Examiner's lack of citation in the Response to Office Action filed on June 10, 2009, and the Examiner maintained the identical rejections in the present Final Office Action. Apparently, the Examiner believes that a bald assertion of the alleged teachings of *Bansal* is sufficient. However, "it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."[49] Appellant respectfully submits that the Examiner has failed to show that *Bansal* teaches the limitations of claim 17. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 17.

13. Claim 18

Claim 18 requires "the application server having the web services interface and the associated database structure containing user profile data can be accessed directly by the gateway." Like claim 17, the Examiner declined to cite any particular portion of *Bansal* as teaching these limitations, but simply declared that *Bansal* teaches these limitations.[50] Therefore, Appellant respectfully submits that the Examiner has failed to show that *Bansal* teaches the limitations of claim 18. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 18.

14. Claim 19

Claim 19 requires "the application server having the web services interface uses templates to define profile elements in the user profile data." Like claim 17, the Examiner declined to cite any particular portion of *Bansal* as teaching these limitations, but simply declared that *Bansal* teaches these

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[48] *Final Office Action*, p. 8.

[49] *Ex parte Levy*, 17 USPQ.2d 1461, 1462 (BPAI 1990).

[50] *Final Office Action*, p. 8.

limitations.[51] Therefore, Appellant respectfully submits that the Examiner has failed to show that *Bansal* teaches the limitations of claim 19. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 19.

15. Claim 20

Claim 20 requires "the templates are used by program instructions to register the user profile data with the mobile server for application processing." Like claim 17, the Examiner declined to cite any particular portion of *Bansal* as teaching these limitations, but simply declared that *Bansal* teaches these limitations.[52] Therefore, Appellant respectfully submits that the Examiner has failed to show that *Bansal* teaches the limitations of claim 20. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 20.

16. Claim 22

Claim 22 requires "the application server having the web services interface is accessible across multiple network applications." Like claim 17, the Examiner declined to cite any particular portion of *Bansal* as teaching these limitations, but simply declared that *Bansal* teaches these limitations.[53] Therefore, Appellant respectfully submits that the Examiner has failed to show that *Bansal* teaches the limitations of claim 22. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 22.

17. Claim 23

Claim 23 requires "the application server having the web service interface includes program instructions which can execute to register user profile data in the associated database with a business registry of the mobile server and with a

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[51] *Final Office Action*, p. 9.

[52] *Id.*

[53] *Id.*

registry on one or more third party servers." The Examiner cited *Bansal* ¶¶ [0072], [0469], and [0486] as allegedly teaching these limitations. *Bansal* ¶ [0072] describes the data management subsystem 20, which includes a data warehouse, etc. *Bansal* ¶ [0469] teaches that the personalization service includes content management that stores content in databases, file systems, or third party content management systems. *Bansal* ¶ [0486] teaches that the directory service provides a mechanism for storing and retrieving information about any entity (users, applications, components of third party networks). None of the cited portions of *Bansal* teaches the application server registering user profile data with a business registry of the mobile server. Moreover, storing content in a third party management system does not necessarily require registering user profile data because content need not be user profile data. Thus, none of the cited portions of *Bansal* teaches the application server registering user profile data with a registry on one or more third party servers. For at least these reasons, Appellant respectfully submits that the Examiner erred in rejecting claim 23.

18. Claim 24

Independent claim 24 includes some limitations similar to those of claim 1 explained above. More specifically, claim 24 requires "a mobile server accessible by the mobile portal; and an application server, comprising a processor, and having a web services interface to connect the mobile portal to the mobile server." As explained above, *Bansal* fails to teach these limitations. Therefore, Appellant respectfully submits that the Examiner erred in rejecting claim 24 for at least the reasons given above with regard to the similar limitations of claim 1.

19. Claim 25

Independent claim 25 requires "providing business rules to an application server, the business rules associated with accessing user profile data to make a user profile service database accessible across multiple network applications." The Examiner cited *Bansal* ¶¶ [0357]-[0359], and [0372] as allegedly teaching

these limitations. *Bansal* ¶ [0357] teaches use of business rules to determine whether a user can be added to a site or application. *Bansal* ¶¶ [0358]-[0359] teach user maintenance of profiles based on authentication. *Bansal* ¶ [0372] teaches "a data access layer . . . used to control interaction" with profile and authentication data. *Bansal* ¶¶ [0357]-[0359] refer to functions of the registration service of application components 14. *Bansal* ¶ [0372] teaches a layer of logic, expressly implemented via the registration service, to manipulate data in a database. The registration service is not part of the application server, and therefore ¶¶ [0357]-[0359] fail to teach providing business rules to an application server. Moreover, *Bansal* fails to teach business rules that "make a user profile service database accessible across multiple network applications." The Examiner declared the limitations "to make a user profile service database accessible across multiple network applications" to be "merely a statement of intended use."[54] Appellant respectfully disagrees and submits that the subject limitations clearly define the required function of the business rules in the method step.[55] For at least these reasons, Appellant respectfully submits that the Examiner erred in rejecting independent claim 25 and claims 26-31 depending therefrom.

20. Claim 28

Claim 28 requires "the application server receiving identification and location information associated with a mobile device, wherein the application server provides a service application to the mobile device based on the identification and the location information." The Examiner cited *Bansal* ¶¶ [0357], [0359], and [0368] as allegedly teaching these limitations. *Bansal* ¶¶ [0357] and [0359] are explained above with regard to claim 25. *Bansal* ¶ [0368] teaches use of the lightweight directory access protocol for user profile storage. None of the cited references teaches receiving location information or

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[54] *Final Office Action*, p. 4.

[55] A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. MPEP § 2173.05(g).

providing a service application based on the location information as required by claim 28. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 28.

21. Claim 31

Claim 31 requires "the application server collecting user profile data from a number of third party network databases to populate the user profile service database." The Examiner cited *Bansal* ¶¶ [0072], [0469], and [0486] as allegedly teaching these limitations. *Bansal* ¶¶ [0072], [0469], and [0486] are explained above with regard to claim 23. None of the cited portions of *Bansal* teaches the application server collecting user profile data from a number of third party network databases to populate the user profile service database as required by claim 31. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 31.

22. Claim 32

Independent claim 32 requires "collecting . . . a given user's user profile data from multiple network sources in a localized database." The Examiner cited *Bansal* ¶¶ [0357]-[0359], and [0372] as allegedly teaching these limitations. *Bansal* ¶ [0357] teaches use of business rules to determine whether a user can be added to a site or application. *Bansal* ¶¶ [0358]-[0359] teach user maintenance of profiles based on authentication. *Bansal* ¶ [0372] teaches "a data access layer . . . used to control interaction" with profile and authentication data. None of the cited portions, or any other portions, of *Bansal* teach collecting a user's profile data from multiple network sources as required by claim 32. Therefore, Appellant respectfully submits that the Examiner erred in rejecting claim 32.

23. Claim 33

Independent claim 33 includes limitations similar to those of claim 32 explained above. Therefore, for reasons similar to those given above with regard to claim 32, Appellant respectfully submits that the Examiner erred in rejecting claim 33.

24. Claim 34

Independent claim 34 requires "means for storage and access of user profile data on a user profile service database via the web service interface [of the application server]." The Examiner cited *Bansal* ¶¶ [0357]-[0359], and [0372] as allegedly teaching these limitations. *Bansal* ¶¶ [0357]-[0359] refer to functions of the registration service of application components 14. The registration service is not part of the application server, and therefore is not equivalent to the web service interface. *Bansal* ¶ [0372] teaches a layer of logic, expressly implemented via the registration service, to manipulate data in a database. Thus, ¶ [0372] fails to teach "means for . . . access of user profile data . . . via the web service interface."

Independent claim 34 also requires "means for enabling applications and/or component parts of applications to access profile elements in the user profile data and be distributed over the mobile network in connection with the web service interface." The Examiner cited *Bansal* ¶¶ [0357]-[0359], and [0372] (explained above) as allegedly teaching these limitations. *Bansal* ¶ [0359] mentions "modifying all profile information regardless of the repository in which it resides." However, this is not a teaching that the "profile elements . . . be distributed over the mobile web" as required by claim 34, but rather merely a teaching of modifying profile data irrespective of the repository. *Bansal* fails to teach that elements of a profile are distributed across the web.

For at least these reasons, Appellant respectfully submits that the Examiner erred in rejecting independent claim 34 and claims 35-42 depending therefrom.

25. Claim 38

Claim 38 requires "the application server includes program instructions to manage: user demographic information; user privilege, access and rights information; and user service registration information." The Examiner cited *Bansal* ¶¶ [0069]-[0072] as allegedly teaching these limitations. *Bansal* ¶¶ [0069]-[0072] teach management of digital certificates to authenticate users

and encrypt data, and providing user access to data based on roles and permissions. The Examiner contends that "it is inherent that user's [sic] who register profiles will register demographic information."[56] Inherency would require that demographic data be a necessary component of registration data. Registration data can vary widely in content, and need not necessarily include demographic information. Therefore, Appellant respectfully submits that none of the cited portions of *Bansal* expressly or inherently teaches managing user demographic information. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 38.

26. Claim 39

Claim 39 requires "a profile element in the user profile data is related to a hobby of the user." The Examiner cited *Bansal* ¶¶ [0060] as allegedly teaching these limitations. *Bansal* ¶ [0060] teaches personalization of system applications based on user preferences, etc. *Bansal* fails to teach that user preferences include data related to a hobby of the user as required by claim 39. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 39.

27. Claim 40

Claim 40 requires "a profile element in the user profile data is related to a culinary preference of the user." The Examiner cited *Bansal* ¶¶ [0060], as explained with regard to claim 39, as allegedly teaching these limitations. *Bansal* fails to teach that user preferences include a culinary preference of the user as required by claim 40. For at least this additional reason, Appellant respectfully submits that the Examiner erred in rejecting claim 40.

B. Conclusion

For the reasons stated above, Appellant respectfully submits that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in

[56] *Final Office Action*, p. 5.

documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A service delivery platform, comprising:

a gateway having connectivity to a communication network;

a mobile portal having connectivity to the gateway;

a mobile server accessible by the mobile portal; and

an application server, comprising a processor, and having a web services interface connecting the mobile portal to the mobile server, wherein the web services interface includes access to the mobile portal and to an associated database structure in memory, the database containing user profile data, wherein the web services interface can register user profile data for services with the mobile server.

2. The platform of claim 1, wherein the web services interface is discoverable and invokeable as a stand-alone web service.

3. The platform of claim 1, wherein the application server having the web services interface includes a set of business logic instructions to manage access and control of the user profile data.

4. The platform of claim 3, wherein the application server having the web service interface uses a web services descriptor language (WSDL) document to register user profile data with the mobile server.

5. The platform of claim 4, wherein the WSDL document is automatically generated from a Java Integrated Development Environment (IDE).

6. The platform of claim 3, wherein the set of business logic instructions can integrate with business rule processing engines external to the platform.

7. The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using simple object access protocol (SOAP).

8. The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using Java Messaging Service (JMS).

9. The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using a messaging middleware application.

10. The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server within a common object request broker architecture (CORBA).

11. The platform of claim 3, wherein the application server having the web services interface includes a middle tier cache to hold retrieved data from the associated database structure.

12. The platform of claim 11, wherein the application server having the web services interface further includes program instructions to provide session management and to clear the middle tier cache.

13. The platform of claim 3, wherein the set of business logic instructions control retrieval, update, and deletion of the user profile data.

14. The platform of claim 3, further including instructions to log and debug.

15. The platform of claim 14, wherein the instructions to log include instructions to:

log updates to the associated database structure;

log who performed updates;

log when updates were performed;

log what updates were implemented;

log who made requests into the platform;

log when requests were made; and

log what information was requested.

16. The platform of claim 3, wherein the business logic instructions include a series of Java classes to implement user profile services.

17. The platform of claim 1, wherein the mobile server includes a universal business registry of web services.

18. The platform of claim 1, wherein the application server having the web services interface and the associated database structure containing user profile data can be accessed directly by the gateway.

19. The platform of claim 1, wherein the application server having the web services interface uses templates to define profile elements in the user profile data.

20. The platform of claim 19, wherein the templates are used by program instructions to register the user profile data with the mobile server for application processing.

21. The platform of claim 19, wherein the profile elements are selected from the group of:

a user ID;

a group ID;

a user name;

a preferred language;

a status;

a first name;

a last name;

a last login timestamp;

a street;

a street number;

a zip;

a city;

a country;

a gender;

a mobile subscription;

a mobile subscriber ISDN;

a current device location; and

an email address.

22. The platform of claim 1, wherein the application server having the web services interface is accessible across multiple network applications.

23. The platform of claim 1, wherein the application server having the web service interface includes program instructions which can execute to register user profile data in the associated database with a business registry of the mobile server and with a registry on one or more third party servers.

24. A mobile service delivery platform, comprising:

a gateway having connectivity to a communication network;

a mobile portal having connectivity to the gateway;

a mobile server accessible by the mobile portal; and

an application server, comprising a processor, and having a web services interface to connect the mobile portal to the mobile server, the application server including a set of business rules associated with accessing an associated database structure in memory, the database containing a compilation of user profile data from multiple network sources, wherein the business rules include executable instructions to make the user profile data accessible across multiple network applications.

25. A method for user profile data, comprising:

providing business rules to an application server, the business rules associated with accessing user profile data to make a user profile service database accessible across multiple network applications;

applying the business rules in response to a request; and

accessing the user profile service database when the request has been authorized by the applied business rules.

26. The method of claim 25, further including receiving an authorized request from a user of a mobile device to update the user profile data.

27. The method of claim 25, further including receiving a request from a mobile device for a service application.

28. The method of claim 25, further including the application server receiving identification and location information associated with a mobile device, wherein the application server provides a service application to the mobile device based on the identification and the location information.

29. The method of claim 25, further including receiving a request from a third party entity to update the user profile data.

30. The method of claim 25, further including providing a third party service application to a mobile device based on the user profile data.

31. The method of claim 25, further including the application server collecting user profile data from a number of third party network databases to populate the user profile service database.

32. A method for user profile service, comprising:

collecting, by a processor, a given user's user profile data from multiple network sources in a localized database;

providing business rules to an application server to manage access to the given user's collected user profile data in the database; and

allowing different network service applications to access the given user's collected user profile data as determined by the business rules.

33. A computer readable medium having instructions for causing a device to perform a method, comprising:

collecting, by a processor, a given user's user profile data from multiple network sources in a localized database;

providing business rules to an application server to manage access to the given user's collected user profile data in the database; and

allowing different network service applications to access the given user's collected user profile data as determined by the business rules.

34. A mobile services delivery platform, comprising:

an application server having a web services interface and accessible by a mobile network;

means for storage and access of user profile data on a user profile service database via the web service interface; and

means for enabling applications and/or component parts of applications to access profile elements in the user profile data and be distributed over the mobile network in connection with the web service interface.

35. The platform of claim 34, wherein the means for storage and access includes a set of computer executable instructions.

36. The platform of claim 34, wherein the means for enabling applications and/or component parts of applications to access profile elements includes a set of computer executable instructions.

37. The platform of claim 34, wherein the application server includes program instructions to deploy, develop, administer, and integrate user profile data with one or more network applications.

38. The platform of claim 34, wherein the application server includes program instructions to manage:

user demographic information;

user privilege, access and rights information; and

user service registration information.

39. The platform of claim 34, wherein a profile element in the user profile data is related to a hobby of the user.

40. The platform of claim 34, wherein a profile element in the user profile data is related to a culinary preference of the user.

41. The platform of claim 34, wherein the application server is accessible by wireless voice network.

42. The platform of claim 34, wherein the application server is accessible by a public wireless local area network (PwLAN).

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.